

Amendments to the Claims

This listing of claims below will replace all prior versions and listings of claims in the application.

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Listing of Claims:

1-10. (Canceled)

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Examiner, Art Unit 1657 on 01/13/2011

11. (Currently amended) A bacteria measuring apparatus comprising:
 - a sampling device for sampling processing a sample comprising fluorescently stained bacteria;
 - a first detector for detecting size information from each of the bacteria in the sample;
 - a second detector for detecting fluorescence information expressing an intensity of fluorescent light emitted from each of the bacteria in the sample;
 - a processor;
 - a memory storing including programs for enabling that enable the processor to execute operations comprising:
 - creating a scattergram of the bacteria using the size information and the fluorescence information as parameters;
 - obtaining a maximum variance direction of distribution of the bacteria in the scattergram by analyzing the distribution in the scattergram; and
 - determining whether the bacteria in the sample are bacillus or coccus based on the maximum variance direction of the distribution.

12.-13. (Cancelled)

14. (Currently amended) The apparatus of Claim 11, wherein the analyzing is performed so as to obtain a slope of the maximum variance direction ~~based on the maximum variance direction~~.
15. (Original) The apparatus of Claim 11, wherein the first detector detects scattered light obtained from the bacteria.

16. (Currently amended) The apparatus of Claim 11, wherein the first detector comprises:

a member having a pore for passing ~~through~~ the bacteria; and
first and second electrodes;

wherein the first detector detects electrical resistance between the first and the second electrodes, which is generated by passage of the bacteria through the pore.

17. (Currently amended) The apparatus of Claim 11, further comprising:

a flow cell for flowing the sample comprising the bacteria; and
a laser light source for irradiating the sample within the flow cell;

wherein the first detector detects scattered light emitted from the bacteria in the sample ~~irradiated by the laser light source~~; and

wherein the second detector detects the fluorescent light emitted from the bacteria in the sample ~~irradiated by the laser light source~~.

18. (Currently amended) The apparatus of Claim 11, further comprising:

a specimen holding part for placement of a specimen;
a reagent holding part for placement of fluorescent dye reagent; and
a mixing part for preparing ~~a~~ the sample by mixing the specimen and the fluorescent dye reagent.

19. (Previously presented) The apparatus of Claim 11, further comprising a display for displaying a result determined by the processor.

20. (Currently amended) The apparatus of Claim 19, wherein the display ~~displays~~ exhibits a warning when it is difficult to determine a type of the bacteria.

21. (Currently amended) The apparatus of Claim 19, wherein the display ~~displays~~ exhibits a degree of reliability for a type of the bacteria determined by the processor.

22-24. (Canceled)

25. (Currently amended) A bacteria measuring apparatus comprising:

- a sampling device for sampling processing a sample comprising fluorescently stained bacteria;
- a first detector for detecting size information from each of the bacteria in the sample;
- a second detector for detecting fluorescence information expressing an intensity of fluorescent light emitted from each of the bacteria in the sample;
- a processor;
- a memory storing including programs for enabling that enable the processor to execute operations comprising:
 - obtaining a maximum variance direction of distribution of the bacteria in a scattergram which is created by using the size information and the fluorescence information obtained from the bacteria; and
 - determining whether the bacteria in the sample are bacillus or coccus based on the maximum variance direction of the distribution.

26. (Currently amended) The apparatus of claim 25, further comprising a display, wherein the operations further comprise creating the scattergram based on the size information and the fluorescence information obtained from the bacteria, and wherein the display displays exhibits the created scattergram.

27. (Canceled)